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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,376	11/17/2003	Niall D. McDonnell	10559-910001 / P18019 4375	
20985 FISH & RICHA	7590 05/11/2007 ARDSON, PC	EXAMINER		
P.O. BOX 1022	2	PHAM, BRENDA H		
MINNEAPOLIS, MN 55440-1022			ART UNIT	PAPER NUMBER
			2616	
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			05/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

¹ The time period for reply, if any, is set in the attached communication.

Application No. Application No. Application No. 10/716,376 MCDONNELL, NIALL D.					\mathcal{N}				
## Part Unit Brends Phasm ## 2616 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13(6). In no event, however, may a reply be timely filled under Six (90 MONTHS from the mailing date of the communication. Failure to reply within the sol or extended pende for reply will, by statute, cause the application to become ABANDONED (38 U.S.C. § 133). Any reply recorded by the Office after than there months after the mailing date of this communication, even if timely filled, may reduce any common patient form adoption to see the september 2003. ### Status 1] Responsive to communication(s) filed on 17 November 2003. ### 2003 This action is FINAL. 2b) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. **Disposition of Claims** 4) Claim(s) 1-30 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are subjected to by the Examiner. 9) The specification is objected to by the Examiner. Application Papers 9) The proving of the priority documents have been received in Application no	· ···		Application No.	Applicant(s)	'ग				
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1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)	•		4) Interview Summan	y (PTO-413)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date.									
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application 6) Other:			· =	atont Apphoation					

Restriction/Election

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-27, drawn to data memory addressing, classified in class 370, subclass 379.
 - II. Claims 28-30, drawn to channel assignment techniques, classified in class370, subclass 431.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP 806.04, MPEP 808.01). In the instant case the different inventions have different modes of operation, different functions, and they have different effects.
- 3. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:
- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;

Art Unit: 2616

(c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search

queries);

(d) the prior art applicable to one invention would not likely be applicable to

another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C.

101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must

include (i) an election of a invention to be examined even though the requirement

may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing

the elected invention.

The election of an invention may be made with or without traverse. To reserve a

right to petition, the election must be made with traverse. If the reply does not distinctly

and specifically point out supposed errors in the restriction requirement, the election

shall be treated as an election without traverse. Traversal must be presented at the

time of election in order to be considered timely. Failure to timely traverse the

requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are

added after the election, applicant must indicate which of these claims are readable on

the elected invention.

If claims are added after the election, applicant must indicate which of these

claims are readable upon the elected invention.

Art Unit: 2616

Should applicant traverse on the ground that the inventions are not patentable

distinct, applicant should submit evidence or identify such evidence now of record

showing the inventions to be obvious variants or clearly admit on the record that this is

the case. In either instance, if the examiner finds one of the inventions unpatentable

over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.

103(a) of the other invention.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild, can be reached on (571) 272-2092.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

May 3, 2007 Brenda Pham

BRENDA PHAM
PRIMARY EXAMINER

Brench A. Pham